



General Assembly

January Session, 2001

Amendment

LCO No. 7533

Offered by:

SEN. JEPSEN, 27th Dist.

SEN. PENN, 23rd Dist.

SEN. NICKERSON, 36th Dist.

To: Senate Bill No. 909

File No. 367

Cal. No. 277

"AN ACT REQUIRING THE REVIEW OF ALL FIREARM-RELATED DEATHS OF CHILDREN IN THE STATE."

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- 1 In line 1, before "Section" insert "Section 1."
- 2 After line 94, insert the following:
- 3 "Sec. 2. Section 53-202a of the general statutes is repealed and the
- 4 following is substituted in lieu thereof:
- 5 (a) As used in this section and sections 53-202b to 53-202k, inclusive,
- 6 as amended by this act, [and subsection (h) of section 53a-46a,] "assault
- 7 weapon" means:
- 8 (1) Any selective-fire firearm capable of fully automatic,
- 9 semiautomatic or burst fire at the option of the user or any of the
- 10 following specified semiautomatic firearms: Algimec Agmi; Armalite
- 11 AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance
- 12 Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty

13 model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol;
14 Calico models M-900, M-950 and 100-P; Chartered Industries of
15 Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and
16 Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL,
17 FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT;
18 Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR
19 and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol;
20 Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83;
21 MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and
22 Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding
23 stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre
24 Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and
25 G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker
26 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine
27 and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

28 (2) A part or combination of parts designed or intended to convert a
29 firearm into an assault weapon, as defined in subdivision (1) of this
30 subsection, or any combination of parts from which an assault
31 weapon, as defined in subdivision (1) of this subsection, may be
32 rapidly assembled if those parts are in the possession or under the
33 control of the same person;

34 (3) All weapons that are variations, with minor differences, of those
35 weapons listed in subdivision (1) of this subsection, including, but not
36 limited to: Armalite AR-10, M15, or Golden Eagle types; Bushmaster
37 AR15 or XM15 types; Colt AR-10 or Match Target types; DPMS
38 Panther type; DS Arms SA 58 type; Eagle Arms M15 or EA-15 types;
39 Fulton Armory AR15 type; Hesse Arms HAR 15A2 or HAR-25 types;
40 Intratec TEC DC-9, AB-10, Sport-22 or TEC-22 types; Knight's SR-15,
41 SR-25, or RAS types; Les Baer Ultimate AR type; Olympic Arms AR-15,
42 Car-97 or PCR types; Professional Ordinance, Inc. Carbon 15 rifle or
43 Carbon 15 pistol types; Rock River Arms, Inc. Standard A2, Car A2,
44 Standard A-4 Flattop, Car A-4 Flattop, NM A2-DCM Legal or LE
45 Tactical Carbine types; Special Weapons SW-5/45 type; Wilson
46 Combat AR-15, Urban Tactical, Tactical Precision and Tactical Carbine

47 types;

48 (4) Any semiautomatic firearm not listed in subdivision (1) of this
49 subsection that meets the following criteria:

50 (A) A semiautomatic rifle that has an ability to accept a detachable
51 magazine and has at least two of the following:

52 (i) A folding or telescoping stock;

53 (ii) A pistol grip that protrudes conspicuously beneath the action of
54 the weapon;

55 (iii) A bayonet mount;

56 (iv) A flash suppressor or threaded barrel designed to accommodate
57 a flash suppressor; and

58 (v) A grenade launcher; or

59 (B) A semiautomatic pistol that has an ability to accept a detachable
60 magazine and has at least two of the following:

61 (i) An ammunition magazine that attaches to the pistol outside of
62 the pistol grip;

63 (ii) A threaded barrel capable of accepting a barrel extender, flash
64 suppressor, forward handgrip or silencer;

65 (iii) A shroud that is attached to, or partially or completely encircles,
66 the barrel and that permits the shooter to hold the firearm with the
67 nontrigger hand without being burned;

68 (iv) A manufactured weight of fifty ounces or more when the pistol
69 is unloaded; and

70 (v) A semiautomatic version of an automatic firearm; or

71 (C) A semiautomatic shotgun that has at least two of the following:

72 (i) A folding or telescoping stock;

73 (ii) A pistol grip that protrudes conspicuously beneath the action of
74 the weapon;

75 (iii) A fixed magazine capacity in excess of five rounds; and

76 (iv) An ability to accept a detachable magazine; or

77 (D) Any semiautomatic firearm capable of firing fifty caliber
78 ammunition.

79 (5) A part or combination of parts designed or intended to convert a
80 firearm into an assault weapon, as defined in subdivisions (3) and (4)
81 of this subsection, or any combination of parts from which an assault
82 weapon as defined in subdivisions (3) and (4) of this subsection, may
83 be rapidly assembled if those parts are in the possession or under the
84 control of the same person.

85 (b) As used in this section and sections 53-202b to 53-202k, inclusive,
86 as amended by this act, [and subsection (h) of section 53a-46a,] the
87 term "assault weapon" does not include any firearm modified to
88 render it permanently inoperable.

89 Sec. 3. Section 53-202b of the general statutes is repealed and the
90 following is substituted in lieu thereof:

91 (a) (1) Any person who, within this state, distributes, transports or
92 imports into the state, keeps for sale, or offers or exposes for sale, or
93 who gives any assault weapon, except as provided by sections [29-37]
94 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
95 46a,] shall be guilty of a class C felony and shall be sentenced to a term
96 of imprisonment of which two years may not be suspended or
97 reduced.

98 (2) Any person who transfers, sells or gives any assault weapon to a
99 person under eighteen years of age in violation of subdivision (1) of
100 this subsection shall be sentenced to a term of imprisonment of six

101 years, which shall not be suspended or reduced and shall be in
102 addition and consecutive to the term of imprisonment imposed under
103 subdivision (1) of this subsection.

104 (b) The provisions of subsection (a) of this section shall not apply to:

105 (1) The sale of assault weapons to the Department of Public Safety,
106 police departments, the Department of Correction or the military or
107 naval forces of this state or of the United States for use in the discharge
108 of their official duties;

109 (2) A person who is the executor or administrator of an estate that
110 includes an assault weapon for which a certificate of possession has
111 been issued under section 53-202d, as amended by this act, which is
112 disposed of as authorized by the Probate Court, if the disposition is
113 otherwise permitted by sections [29-37j and] 53-202a to 53-202k,
114 inclusive, as amended by this act; or [and subsection (h) of section 53a-
115 46a;]

116 (3) The transfer by bequest or intestate succession of an assault
117 weapon for which a certificate of possession has been issued under
118 section 53-202d, as amended by this act.

119 (c) If the court finds that a violation of this section is not of a serious
120 nature and that the person charged with such violation (1) will
121 probably not offend in the future, (2) has not previously been
122 convicted of a violation of this section, and (3) has not previously had a
123 prosecution under this section suspended pursuant to this subsection,
124 it may order suspension of prosecution in accordance with the
125 provisions of subsection (h) of section 29-33 of the general statutes.

126 Sec. 4. Section 53-202c of the general statutes is repealed and the
127 following is substituted in lieu thereof:

128 (a) Except as provided in section 53-202e, any person who, within
129 this state, possesses any assault weapon, except as provided in sections
130 [29-37j and] 53-202a to 53-202k, inclusive, as amended by this act, [and

131 subsection (h) of section 53a-46a,] shall be guilty of a class D felony
132 and shall be sentenced to a term of imprisonment of which one year
133 may not be suspended or reduced; except that a first-time violation of
134 this subsection shall be a class A misdemeanor if (1) the person
135 presents proof that [he] such person lawfully possessed the assault
136 weapon, as defined in subdivisions (1) and (2) of subsection (a) of
137 section 53-202a, as amended by this act, prior to October 1, 1993, or the
138 person presents proof that such person lawfully possessed the assault
139 weapon, as defined in subdivisions (3) to (5), inclusive, of subsection
140 (a) of section 53-202a, as amended by this act, prior to October 1, 2001,
141 and (2) the person has otherwise possessed the firearm in compliance
142 with subsection (d) of section 53-202d, as amended by this act.

143 (b) The provisions of subsection (a) of this section shall not apply to
144 the possession of assault weapons by members or employees of the
145 Department of Public Safety, police departments, the Department of
146 Correction or the military or naval forces of this state or of the United
147 States for use in the discharge of their official duties; nor shall anything
148 in sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by
149 this act, [and subsection (h) of section 53a-46a] prohibit the possession
150 or use of assault weapons by sworn members of these agencies when
151 on duty and the use is within the scope of their duties.

152 (c) The provisions of subsection (a) of this section shall not apply to
153 the possession of an assault weapon, as defined in subdivision (1) or
154 (2) of subsection (a) of section 53-202a, as amended by this act, by any
155 person prior to July 1, 1994, if all of the following are applicable:

156 (1) The person is eligible under sections [29-37j and] 53-202a to 53-
157 202k, inclusive, as amended by this act, [and subsection (h) of section
158 53a-46a] to apply for a certificate of possession for the assault weapon,
159 as defined in subdivision (1) or (2) of subsection (a) of section 53-202a,
160 as amended by this act, by July 1, 1994;

161 (2) The person lawfully possessed the assault weapon, as defined in
162 subdivision (1) or (2) of subsection (a) of section 53-202a, as amended

163 by this act, prior to October 1, 1993; and

164 (3) The person is otherwise in compliance with sections [29-37j and]
165 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-46a] as
166 amended by this act.

167 (d) The provisions of subsection (a) of this section shall not apply to
168 a person who is the executor or administrator of an estate that includes
169 an assault weapon for which a certificate of possession has been issued
170 under section 53-202d, as amended by this act, if the assault weapon is
171 possessed at a place set forth in subdivision (1) of subsection (d) of
172 section 53-202d, as amended by this act, or as authorized by the
173 Probate Court.

174 (e) The provisions of subsection (a) of this section shall not apply to
175 the possession of an assault weapon, as defined in subdivisions (3) to
176 (5), inclusive, of subsection (a) of section 53-202a, as amended by this
177 act, by any person prior to July 1, 2002, if all of the following are
178 applicable:

179 (1) The person is eligible under sections 53-202a to 53-202k,
180 inclusive, as amended by this act, to apply for a certificate of
181 possession for the assault weapon, as defined in subdivisions (3) to (5),
182 inclusive, of subsection (a) of section 53-202a, as amended by this act,
183 by July 1, 2002;

184 (2) The person lawfully possessed the assault weapon, as defined in
185 subdivisions (3) to (5), inclusive, of subsection (a) of section 53-202a, as
186 amended by this act, prior to October 1, 2001; and

187 (3) The person is otherwise in compliance with sections 53-202a to
188 53-202k, inclusive, as amended by this act.

189 (f) If the court finds that a violation of this section is not of a serious
190 nature and that the person charged with such violation (1) will
191 probably not offend in the future, (2) has not previously been
192 convicted of a violation of this section, and (3) has not previously had a

193 prosecution under this section suspended pursuant to this subsection,
194 it may order suspension of prosecution in accordance with the
195 provisions of subsection (h) of section 29-33 of the general statutes.

196 Sec. 5. Section 53-202d of the general statutes is repealed and the
197 following is substituted in lieu thereof:

198 (a) (1) Any person who lawfully possesses an assault weapon, as
199 defined in subdivision (1) or (2) of subsection (a) of section 53-202a, as
200 amended by this act, prior to October 1, 1993, shall apply by October 1,
201 1994, or, if such person is a member of the military or naval forces of
202 this state or of the United States and is unable to apply by October 1,
203 1994, because [he or she] such member is or was on official duty
204 outside of this state, shall apply within ninety days of returning to the
205 state to the Department of Public Safety, for a certificate of possession
206 with respect to such assault weapon.

207 (2) Any person who lawfully possesses an assault weapon, as
208 defined in subdivisions (3) to (5), inclusive, of subsection (a) of section
209 53-202a, as amended by this act, prior to October 1, 2001, shall apply
210 by October 1, 2002, or, if such person is a member of the military or
211 naval forces of this state or of the United States and is unable to apply
212 by October 1, 2002, because such member is or was on official duty
213 outside of this state, shall apply within ninety days of returning to the
214 state to the Department of Public Safety, for a certificate of possession
215 with respect to such assault weapon.

216 (3) Any person who registered a firearm as an assault weapon
217 pursuant to the provisions of the law in effect prior to October 1, 2001,
218 and the firearm is thereafter defined as an assault weapon pursuant to
219 subdivisions (3) to (5), inclusive, of subsection (a) of section 53-202a, as
220 amended by this act, shall be deemed to have registered such assault
221 weapon for purposes of sections 53-202a to 53-202k, inclusive, as
222 amended by this act, and shall not be required to reregister such
223 assault weapon.

224 (4) The certificate shall contain a description of the firearm that

225 identifies it uniquely, including all identification marks, the full name,
226 address, date of birth and thumbprint of the owner, and any other
227 information as the department may deem appropriate. The department
228 shall adopt regulations in accordance with the provisions of chapter 54
229 [not later than January 1, 1994,] to establish procedures with respect to
230 the application for and issuance of certificates of possession pursuant
231 to this section. Notwithstanding the provisions of sections 1-210 and 1-
232 211, the name and address of a person issued a certificate of possession
233 shall be confidential and shall not be disclosed, except such records
234 may be disclosed to (1) law enforcement agencies, and (2) the
235 Commissioner of Mental Health and Addiction Services to carry out
236 the provisions of subsection (c) of section 17a-500.

237 (b) No assault weapon, as defined in subdivision (1) or (2) of
238 subsection (a) of section 53-202a, as amended by this act, possessed
239 pursuant to this section may be sold or transferred on or after January
240 1, 1994, to any person within this state other than to a licensed gun
241 dealer, as defined in subsection (d) of section 53-202f, as amended by
242 this act, or as provided in section 53-202e, or by bequest or intestate
243 succession. No assault weapon, as defined in subdivisions (3) to (5),
244 inclusive, of subsection (a) of section 53-202a, as amended by this act,
245 possessed pursuant to this section may be sold or transferred on or
246 after January 1, 2002, to any person within this state other than to a
247 licensed gun dealer, as defined in subsection (d) of section 53-202f, as
248 amended by this act, or as provided in section 53-202e, or by bequest
249 or intestate succession. Any person who obtains title to an assault
250 weapon for which a certificate of possession has been issued under this
251 section by bequest or intestate succession shall, within ninety days of
252 obtaining title, apply to the Department of Public Safety for a
253 certificate of possession as provided in subsection (a) of this section,
254 render the weapon permanently inoperable, sell the weapon to a
255 licensed gun dealer or remove the weapon from the state. Any person
256 who moves into the state in lawful possession of an assault weapon,
257 shall, within ninety days, either render the weapon permanently
258 inoperable, sell the weapon to a licensed gun dealer or remove the

259 weapon from this state. [, except any] Any person who is a member of
260 the military or naval forces of this state or of the United States, is in
261 lawful possession of an assault weapon, as defined in subdivision (1)
262 or (2) of subsection (a) of section 53-202a, as amended by this act, and
263 has been transferred into the state after October 1, 1994, may, within
264 ninety days of arriving in the state, apply to the Department of Public
265 Safety for a certificate of possession with respect to such assault
266 weapon. Any person who is a member of the military or naval forces
267 of this state or of the United States, is in lawful possession of an assault
268 weapon, as defined in subdivisions (3) to (5), inclusive, of subsection
269 (a) of section 53-202a, as amended by this act, and has been transferred
270 into the state after October 1, 2002, may, within ninety days of arriving
271 in the state, apply to the Department of Public Safety for a certificate of
272 possession with respect to such assault weapon.

273 (c) If an owner of an assault weapon sells or transfers the weapon to
274 a licensed gun dealer, [he] such dealer shall, at the time of delivery of
275 the weapon, execute a certificate of transfer and cause the certificate to
276 be mailed or delivered to the Commissioner of Public Safety. The
277 certificate shall contain: (1) The date of sale or transfer; (2) the name
278 and address of the seller or transferor and the licensed gun dealer,
279 their social security numbers or motor vehicle operator license
280 numbers, if applicable; (3) the licensed gun dealer's federal firearms
281 license number and seller's permit number; (4) a description of the
282 weapon, including the caliber of the weapon and its make, model and
283 serial number; and (5) any other information the commissioner
284 prescribes. The licensed gun dealer shall present [his] such dealer's
285 motor vehicle operator's license or social security card, federal firearms
286 license and seller's permit to the seller or transferor for inspection at
287 the time of purchase or transfer. The Commissioner of Public Safety
288 shall maintain a file of all certificates of transfer at [his] the
289 commissioner's central office.

290 (d) A person who has been issued a certificate of possession of an
291 assault weapon under this section may possess it only under the
292 following conditions:

293 (1) At that person's residence, place of business or other property
294 owned by that person, or on property owned by another with the
295 owner's express permission;

296 (2) While on the premises of a target range of a public or private
297 club or organization organized for the purpose of practicing shooting
298 at targets;

299 (3) While on a target range which holds a regulatory or business
300 license for the purpose of practicing shooting at that target range;

301 (4) While on the premises of a licensed shooting club;

302 (5) While attending any exhibition, display or educational project
303 which is about firearms and which is sponsored by, conducted under
304 the auspices of, or approved by a law enforcement agency or a
305 nationally or state recognized entity that fosters proficiency in, or
306 promotes education about, firearms; or

307 (6) While transporting the assault weapon between any of the places
308 mentioned in this subsection, or to any licensed gun dealer, as defined
309 in subsection (d) of section 53-202f, as amended by this act, for
310 servicing or repair pursuant to subsection (c) of section 53-202f, as
311 amended by this act, provided the assault weapon is transported as
312 required by section 53-202f, as amended by this act.

313 Sec. 6. Section 53-202f of the general statutes is repealed and the
314 following is substituted in lieu thereof:

315 (a) While transporting an assault weapon between any of the places
316 mentioned in subdivisions (1) to (6), inclusive, of subsection (d) of
317 section 53-202d, as amended by this act, no person shall carry a loaded
318 assault weapon concealed from public view or knowingly have, in any
319 motor vehicle owned, operated or occupied by [him] such person (1) a
320 loaded assault weapon, or (2) an unloaded assault weapon unless such
321 weapon is kept in the trunk of such vehicle or in a case or other
322 container which is inaccessible to the operator of or any passenger in

323 such vehicle. Any person who violates the provisions of this subsection
324 shall be fined not more than five hundred dollars or imprisoned not
325 more than three years or both.

326 (b) Any licensed gun dealer, as defined in subsection (d) of this
327 section, who lawfully possesses an assault weapon pursuant to section
328 53-202d, as amended by this act, in addition to the uses allowed in
329 section 53-202d, as amended by this act, may transport the assault
330 weapon between dealers or out of the state, display it at any gun show
331 licensed by a state or local governmental entity or sell it to a resident
332 outside the state. Any transporting of the assault weapon allowed by
333 this subsection must be done as required by subsection (a) of this
334 section.

335 (c) (1) Any licensed gun dealer, as defined in subsection (d) of this
336 section, may take possession of any assault weapon for the purposes of
337 servicing or repair from any person to whom has been issued a
338 certificate of possession for such weapon pursuant to sections [29-37j
339 and] 53-202a to 53-202k, inclusive, [and subsection (h) of section 53a-
340 46a] as amended by this act.

341 (2) Any licensed gun dealer may transfer possession of any assault
342 weapon received pursuant to subdivision (1) of this subsection, to a
343 gunsmith for purposes of accomplishing service or repair of the same.
344 Transfers are permissible only to the following persons:

345 (A) A gunsmith who is in the dealer's employ;

346 (B) A gunsmith with whom the dealer has contracted for
347 gunsmithing services, provided the gunsmith receiving the assault
348 weapon holds a dealer's license issued pursuant to Chapter 44,
349 commencing with Section 921, of Title 18 of the United States Code and
350 the regulations issued pursuant thereto.

351 (d) The term "licensed gun dealer", as used in sections [29-37j and]
352 53-202a to 53-202k, inclusive, as amended by this act, [and subsection
353 (h) of section 53a-46a] means a person who has a federal firearms

354 license and a permit to sell firearms pursuant to section 29-28.

355 Sec. 7. Section 53-202g of the general statutes is repealed and the
356 following is substituted in lieu thereof:

357 Any person who lawfully possesses an assault weapon under
358 sections [29-37j and] 53-202a to 53-202k, inclusive, [and subsection (h)
359 of section 53a-46a] that is stolen from [him] such person shall report
360 the theft to law enforcement authorities within seventy-two hours of
361 when such person discovered or should have discovered the theft.

362 Sec. 8. Section 53-202i of the general statutes is repealed and the
363 following is substituted in lieu thereof:

364 Nothing in sections [29-37j and] 53-202a to 53-202k, inclusive, as
365 amended by this act, [and subsection (h) of section 53a-46a] shall be
366 construed to prohibit any person, firm or corporation engaged in the
367 business of manufacturing assault weapons in this state from
368 manufacturing or transporting assault weapons in this state for sale
369 within this state in accordance with subdivision (1) of subsection (b) of
370 section 53-202b, as amended by this act, or for sale outside this state.

371 Sec. 9. (NEW) (a) (1) For purposes of this section, "armor piercing
372 fifty caliber bullet" means any fifty caliber bullet that is (A) designed
373 for the purpose of, (B) held out by the manufacturer or distributor as,
374 or (C) generally recognized as having a specialized capability to
375 penetrate armor or bulletproof glass, including, but not limited to,
376 such bullets commonly designated as "M2 Armor-Piercing" or "AP",
377 "M8 Armor-Piercing Incendiary" or "API", "M20 Armor-Piercing
378 Incendiary Tracer" or "APIT", "M903 Caliber .50 Saboted Light Armor
379 Penetrator" or "SLAP", or "M962 Saboted Light Armor Penetrator
380 Tracer" or "SLAPT".

381 (2) "Incendiary fifty caliber bullet" means any fifty caliber bullet that
382 is (A) designed for the purpose of, (B) held out by the manufacturer or
383 distributor as, or (C) generally recognized as having a specialized
384 capability to ignite upon impact, including, but not limited to, such

385 bullets commonly designated as "M1 Incendiary", "M23 Incendiary",
386 "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing
387 Incendiary Tracer" or "APIT".

388 (b) Any person who knowingly distributes, transports or imports
389 into the state, keeps for sale or offers or exposes for sale or gives to any
390 person any ammunition that is an armor piercing fifty caliber bullet or
391 an incendiary fifty caliber bullet shall be guilty of a class D felony,
392 except that a first-time violation of this subsection shall be a class A
393 misdemeanor.

394 (c) The provisions of subsection (b) of this section shall not apply to
395 the following:

396 (1) The sale of such ammunition to the Department of Public Safety,
397 police departments, the Department of Correction or the military or
398 naval forces of this state or of the United States for use in the discharge
399 of their official duties;

400 (2) A person who is the executor or administrator of an estate that
401 includes such ammunition that is disposed of as authorized by the
402 Probate Court; or

403 (3) The transfer by bequest or intestate succession of such
404 ammunition.

405 (d) If the court finds that a violation of this section is not of a serious
406 nature and that the person charged with such violation (1) will
407 probably not offend in the future, (2) has not previously been
408 convicted of a violation of this section, and (3) has not previously had a
409 prosecution under this section suspended pursuant to this subsection,
410 it may order suspension of prosecution in accordance with the
411 provisions of subsection (h) of section 29-33 of the general statutes.

412 Sec. 10. (NEW) (a) For purposes of this section, "large capacity
413 ammunition magazine" means any ammunition feeding device with
414 the capacity to accept more than ten rounds, except it does not include

415 (1) a feeding device that has been permanently altered so that it cannot
416 accommodate more than ten rounds, or (2) any .22 caliber tube
417 ammunition feeding device.

418 (b) Any person who distributes, transports or imports into the state,
419 keeps for sale or offers or exposes for sale or gives to any person, a
420 large capacity ammunition magazine shall be guilty of a class D felony,
421 except a first-time violation of this subsection shall be a class A
422 misdemeanor.

423 (c) The provisions of subsection (b) of this section shall not apply to
424 the following:

425 (1) The sale of large capacity ammunition magazines to the
426 Department of Public Safety, police departments, the Department of
427 Correction or the military or naval forces of this state or of the United
428 States for use in the discharge of their official duties;

429 (2) A person who is the executor or administrator of an estate that
430 includes a large capacity ammunition magazine that is disposed of as
431 authorized by the Probate Court;

432 (3) The transfer by bequest or intestate succession of a large capacity
433 ammunition magazine;

434 (4) The importation of a large capacity ammunition magazine by a
435 person who lawfully possessed the large capacity ammunition
436 magazine in the state prior to October 1, 2001, lawfully took it out of
437 the state, and is returning to the state with the large capacity
438 ammunition magazine previously lawfully possessed in this state;

439 (5) The giving of any large capacity ammunition magazine to any
440 licensed gun dealer, as defined in subsection (d) of section 53-202f of
441 the general statutes, as amended by this act, for the purpose of
442 maintenance, repair or modification of such magazine, and the return
443 from such gun dealer to the owner; or

444 (6) The transfer by any licensed gun dealer of any large capacity

445 ammunition magazine received pursuant to subdivision (5) of this
446 subsection, to a gunsmith for purposes of accomplishing service or
447 repair of the same, and the return from such gunsmith to the gun
448 dealer, provided transfers are made only to the following persons: (A)
449 a gunsmith who is in the licensed gun dealer's employ; (B) a gunsmith
450 with whom the licensed gun dealer has contracted for gunsmithing
451 services, provided the gunsmith receiving the large capacity
452 ammunition magazine holds a dealer's license issued pursuant to
453 Chapter 44, commencing with Section 921, of Title 18 of the United
454 States Code and the regulations issued pursuant thereto.

455 (d) If the court finds that a violation of this section is not of a serious
456 nature and that the person charged with such violation (1) will
457 probably not offend in the future, (2) has not previously been
458 convicted of a violation of this section, and (3) has not previously had a
459 prosecution under this section suspended pursuant to this subsection,
460 it may order suspension of prosecution in accordance with subsection
461 (h) of section 29-33 of the general statutes."